



OFFICE OF ADMINISTRATIVE HEARINGS  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII

In the Matter of	)	PCH-2009-10
	)	
JAMES S. HUANG, dba ALL	)	HEARINGS OFFICER'S
MAINTENANCE AND REPAIR,	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW,
Petitioner,	)	AND DECISION
	)	
vs.	)	
	)	
UNIVERSITY OF HAWAII, OFFICE OF	)	
PROCUREMENT AND REAL PROPERTY	)	
MANAGEMENT,	)	
	)	
Respondent.	)	
	)	
and	)	
	)	
BRIAN'S CONTRACTING, INC.,	)	
	)	
Intervenor.	)	
_____	)	

HEARINGS OFFICER'S FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND DECISION

I. INTRODUCTION

On May 6, 2009, James S. Huang, dba All Maintenance and Repair ("Petitioner"), filed a request for administrative review of the University of Hawaii, Office of Procurement and Real Property Management's ("Respondent") denial of Petitioner's protest in connection with Respondent's Invitation for Bids for the project

designated as, IFB No. 09-0264, College Hill, General Repairs, University of Hawaii at Manoa, Honolulu, Hawaii, Project No. UHM 08-002. The matter was thereafter set for hearing and the Notice of Hearing and Pre-Hearing Conference was duly served on the parties.

On May 11, 2009, Brian's Contracting, Inc. ("Intervenor") was granted leave to intervene in this proceeding.

The parties subsequently waived their right to an evidentiary hearing and agreed to submit this matter to the Hearings Officer for final disposition on the basis of stipulated facts, legal briefs, and oral arguments.

Accordingly, on May 18, 2009, the parties submitted their Stipulated Facts for the Hearings Officer's consideration. On the same date, Petitioner filed its opening brief and, on May 22, 2009, Respondent and Intervenor filed their responsive briefs.

On May 26, 2009, Petitioner filed a reply brief. On the same date, this matter came before the undersigned Hearings Officer for oral argument. Petitioner was represented by its attorney, Daniel T. Kim, Esq.; Respondent was represented by its attorney, Charles W. Gall, Esq.; and Intervenor was represented by its attorney, Eric S. Yamagata, Esq.

Following the presentation of oral arguments, the Hearings Officer directed the parties to submit proposed conclusions of law. Additionally, Intervenor requested and was granted leave to file a supplemental brief. Intervenor filed its brief on May 27, 2009.

After reviewing Intervenor's brief, the Hearings Officer granted Petitioner and Respondent leave to file responsive briefs. On June 5, 2009, the parties filed their proposed conclusions of law and supplemental briefs.

Having reviewed and considered the evidence and arguments presented by the respective parties at the hearing, together with the entire record of this proceeding, the Hearings Officer hereby renders the following findings of fact, conclusions of law and decision.

II. FINDINGS OF FACT

Upon review of the entire record of this proceeding, the Hearings Officer hereby adopts the Stipulated Facts (and attached Exhibits “A” – “D”), filed herein on May 18, 2009, as the Hearings Officer’s Findings of Fact.

III. CONCLUSIONS OF LAW

Upon review of the entire record of this proceeding, the Hearings Officer hereby adopts Respondent’s Proposed Conclusions of Law Nos. 1 – 16 filed herein on June 5, 2009, as the Hearings Officer’s Conclusions of Law.

IV. DECISION

Based upon the foregoing findings and conclusions, the Hearings Officer orders that Petitioner’s request for administrative review be and is hereby dismissed and that each party shall bear its own attorney’s fees and costs.

Dated at Honolulu, Hawaii: \_\_\_\_\_

\_\_\_\_\_  
CRAIG H. UYEHARA  
Administrative Hearings Officer  
Department of Commerce  
and Consumer Affairs